

DELTA PROTECTION COMMISSION

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**AGENDA ITEM #8**

July 22, 1999

To: Delta Protection Commission
From: Lori Clamurro, Delta Protection Commission Staff
Subject: Legislative Update

The first year of the current legislative session will come to an end on September 10, 1999. All bills passed by the Senate and Assembly will then go on to the Governor, who will either sign them into law or veto them by October 10, 1999. The Legislature will reconvene for the second year of this session on January 3, 2000, at which time bills left over from the first year, as well as new bills, may be considered.

Several bills included in this memo over the past few months have either failed to pass their Senate and Assembly floor and/or committee sessions, or have been amended such that the original intent of the legislation is no longer applicable to the Delta. For these bills, a status is provided in this memo, but they will be deleted from future memos.

WATER**AB 50: Migden: WATER QUALITY: WASTE DISCHARGE REQUIREMENTS**

This bill would authorize the state and regional boards to require an application for waste discharge requirements to include a prescribed pollution prevention plan. The State Board would be required to incorporate the plans as part of the waste discharge requirements prescribed for certain dischargers.

STATUS: *The language from this bill was included in a trailer to the annual Budget Act passed in June. The bill was subsequently changed to a health care bill, and will not be included in future update memos.*

AB 703: Lempert: BALLAST WATER DISCHARGES

This bill would require the State Water Resources Control Board (Board), and, if appropriate, the Regional Water Quality Control Boards, to carry out a ballast water discharge management program in consultation with the Department of Fish and Game, the State Lands Commission, and the U.S. Coast Guard. On and after April 1, 2000, the master of any vessel would be required to submit to the Board a fully completed ballast water report form, upon entering the State's waters.

On and after September 1, 2000, any discharge of ballast water into the waters of the State (or waters impacting the waters of the State) would be prohibited, unless the discharger has complied with statewide general waste discharge requirements prescribed by the Board. Additionally, the Board would be required to prepare and distribute to the public and Legislature a biennial report relating to ballast water discharges, including alternatives for treating and managing ballast water to eliminate the discharge of exotic organisms into the State's waters.

STATUS: In Senate Committee on Environmental Quality

AB 732: Machado: WATER-TRANSFER CLEARINGHOUSE

This bill would require the California Water Commission to appoint a task force, with prescribed membership, to review third-party impacts of water transfers and to investigate the establishment of a water-transfer clearinghouse. The task force would be required to report to the Legislature and the Governor on or before December 1, 2000. *This is a two-year bill.*

STATUS: In Assembly Committee on Water, Parks, & Wildlife

AB 786: Machado: SAN JOAQUIN RIVER AGREEMENT

Under existing law, various public and private agencies have entered into a "San Joaquin River Agreement" (SJRA) relating to the management of the San Joaquin River. This bill states that it is the intent of the Legislature to implement the Vernalis Adaptive Management Plan simultaneously with a comprehensive program to improve water quality and supply in the South Delta region and increase dissolved oxygen concentration in the lower San Joaquin River.

STATUS: In Senate Committee on Rules

AB 980: Ducheny: CONJUNCTIVE USE PROGRAMS

This bill would authorize the Department of Water Resources to provide grants to local public agencies for the purposes of undertaking feasibility studies, conjunctive use facilities, local pilot projects, and other facilities that are integral to the implementation of a conjunctive use plan or project, and for the acquisition of land for conjunctive use projects.

STATUS: In Senate Committee on Agriculture & Water Resources

AB 1239: Leonard: SAFE DRINKING WATER, CLEAN WATER, FLOOD PREVENTION, AND WATER SUPPLY ACT

This bill would enact the Safe Drinking Water, Clean Water, Flood Prevention, and Water Supply Act, which would authorize the issuance of bonds in the amount of \$2.05 billion for purposes of financing a safe drinking water, flood protection, water quality, and water supply program. *This is a two-year bill.*

STATUS: In Assembly Committee on Environmental Safety & Toxic Materials

AB 1074: Aanestad: WILDLIFE MANAGEMENT AREAS: CONSERVATION EASEMENTS

This bill would provide that, when real property or an interest in real property is acquired by the transfer of a conservation easement to the State, for purposes relating to wildlife conservation or habitat preservation, the Department of Fish and Game shall annually pay to the county in which the easement is located an amount equal to any property taxes levied upon the easement at the time the title is transferred to the State. The Department would also be required to pay its pro rata share of assessments levied upon the property by any irrigation, drainage, or reclamation district. *This is a two-year bill.*

STATUS: In Assembly Committee on Appropriations

ACR 1: Thomson: VIC FAZIO YOLO WILDLIFE AREA

This Assembly Concurrence Resolution would request the Department of Fish and Game to change the name of the Yolo Bypass Wildlife Area to the Vic Fazio Yolo Wildlife Area.

STATUS: Chaptered on 5/12/99 (Chapter 26, Statutes of 1999)

SB 117: Murray: TRANSPORTATION FACILITIES: ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM FUND

Existing law states that it is the intent of the Legislature, commencing July 1, 1991, to allocate \$10 million annually for ten years to the Environmental Enhancement and Mitigation Demonstration Program Fund. Under this fund, local, state, and federal agencies and nonprofit entities may apply for and receive grants for environmental and mitigation projects related to the environmental impact of modifying existing or the construction/expansion of new transportation facilities. This bill would delete the ten-year limitation and specify that \$10 million would be appropriated to the fund annually. The California Transportation Commission would be required to annually provide a list of projects funded from this program to the Legislature.

STATUS: In Assembly Committee on Appropriations

SB 1057: Johannessen: ENVIRONMENTAL QUALITY: LAND ACQUISITIONS

The California Environmental Quality Act (CEQA) exempts certain classes of projects that have been determined not to have a significant effect on the environment from preparation of an EIR. This bill would prohibit the categorical exemption of a project that includes the acquisition of land for the purpose of fish and wildlife conservation or habitat establishment, preservation, restoration, or enhancement.

STATUS: Under reconsideration in Senate Committee on Environmental Quality (*Joint Rule 61 (a) (7), which specifies the last date for bills to be passed by the house of origin, was suspended for this bill.*)

SB 229: McPherson: INCOME AND BANK CORPORATION TAXES: IRRIGATION

This bill would provide a credit, between January 1, 1999 and January 1, 2004, in an amount equal to 15% of cost by the taxpayer, for the purchase and installation of qualified water application or distribution equipment that is used in a business for the production of farm income and is installed on agricultural land that is owned or leased by the taxpayer at the time of installation. Qualified water application or distribution equipment means equipment that provides conservation or savings of at least 10% in comparison to the water used on the land in the prior taxable year. *This is a two-year bill.*

STATUS: Senate Committee on Revenue & Taxation

RECREATION

AB 18: Villaraigosa, Keeley: URBAN PARKS, CLEAN WATER, AND COASTAL PROTECTION ACT

This bill would enact the Villaraigosa-Keeley Urban Parks, Clean Water, and Coastal Protection Bond Act of 2000, which would authorize the issuance of bonds in the amount of \$1.538 billion for the purpose of financing a program for the acquisition and improvement of State and urban parks, for clean water protection, and for coastal beaches and scenic areas. *This is a two-year bill.*

STATUS: In Senate Committee on Natural Resources & Wildlife

AB 1287: Davis: OPERATION OF VESSELS: BOATING SAFETY COURSES

Existing law prohibits a person from operating a motorboat, sailboat, or vessel which is less than 26 feet in length, unless every person age six or younger is wearing a Coast Guard-approved personal flotation device, is restrained, or is in an enclosed cabin. This bill would make these requirements applicable to every person age eleven or younger.

STATUS: In Senate Committee on Natural Resources & Wildlife

SB 2: Chesbro: PARKS AND RESOURCES IMPROVEMENT: BOND ACT

This bill would enact the Watershed, Wildlife, and Parks Improvement Bond Act of 2000, which would authorize the issuance of bonds in the amount of \$854.5 million to finance a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources.

STATUS: In Senate Committee on Natural Resources & Wildlife

LAND USE

AB 838: Cardoza: LAND USE: GENERAL PLAN

This bill would require the land use element of a general plan to identify areas of prime agricultural land that are currently in use or have been in use during the previous five years.

Note: *The 5/6/99 amendment changes the intent of this bill; the bill is now being carried by Assemblymember Longville, and relates to local agency finance. It will not be included in future update memos.*

STATUS: In Senate Committee on Local Government

AB 950: Wiggins: LOCAL AGENCY FORMATION COMMISSIONS: AGRICULTURAL LAND

This bill would require a LAFCO to consider the policy that the development or use of land in open-space use for other than open-space uses is to be guided away from open-space lands of statewide significance and prime commercial rangeland.

STATUS: In Senate Committee on Local Government

SB 153: Haynes: PRIVATE PROPERTY RIGHTS: TAKING IMPACT ANALYSIS

This bill would enact the Property Owner Rights Act of 1999, which would require public agencies to minimize the number of agency actions that may significantly impair the use of private property. *This is a two-year bill.*

STATUS: In Senate Committee on Judiciary

SB 225: Rainey: GENERAL PLAN: CONSISTENCY

Existing laws require various governmental actions, programs, and projects to be consistent with the general plan of the city or county. This bill would provide that for purposes of the Planning and Zoning Law an action, program, or project is consistent with the General Plan if, when considered in its entirety, it will further the objectives and policies of the general plan. *The most recent amendment to this bill changes the language and intent of the legislation, so that it now relates to local government finance with regards to booking fees associated with local law enforcement. It will not be included in future update memos.*

STATUS: In Assembly Committee on Local Government

SB 649: Costa: OPEN-SPACE SUBVENTIONS

Existing law requires the Controller to pay subventions to local governments at specified rates per acre to replace property tax revenues lost through the reductions in assessments of property restricted to open-space use. This bill would include within those provisions certain land for which a notice of nonrenewal of a use restriction has been served, if the land was previously assessed at a specified rate applicable to land subject to a farmland security zone contract.

STATUS: In Assembly Committee on Appropriations

AB 793: Maddox: FLOOD CONTROL

This bill would appropriate \$132 million from the General Fund to the Department of Water Resources for allocation to eligible local entities to pay for the State's share of flood control and flood prevention projects.

STATUS: This bill failed to pass the Assembly Committee on Appropriations, but the funding proposed in the legislation was included in the annual Budget Act passed in June.

AB 1122: Machado: LOCAL DISASTER PREPAREDNESS TRUST FUND

This bill would establish the Local Disaster Preparedness Trust Fund in the State Treasury. The Controller would allocate funds to eligible local agencies, for purposes relating to disaster preparedness and response, according to work plans meeting specified criteria. It is the intent of the Legislature that \$10 million be appropriated every year for five years for these purposes. *This is a two-year bill.*

STATUS: In Assembly Committee on Appropriations

AB 1521: Machado: DELTA FLOOD CONTROL, LEVEE MAINTENANCE, AND RECREATIONAL PROGRAMS

Existing law requires the Department of Water Resources (DWR) to implement a program for the maintenance and improvement of levees in the Delta which are not project facilities. This bill would appropriate \$50 million from the General Fund to DWR, of which \$25 million would be used for that program of flood control projects and \$25 million would be used for local assistance.

The bill would also appropriate \$2 million to the Department of Parks and Recreation (DPR) for a Delta recreational program.

STATUS: This bill failed to pass the Assembly Committee on Water, Parks, and Wildlife, but funding for the program mentioned in the bill was included as part of the annual Budget Act passed in June.

STATE AGENCIES

AB 187: Hertzberg: GRANT INFORMATION ACT OF 1999

This bill would establish the Grant Information Act of 1999 to require state agencies to make available on their websites, on or before July 1, 2000, or within 6 months of the establishment of the website, a listing of all grants administered by that agency, as well as instructions on filing grant applications electronically and/or by mail.

STATUS: In Senate Committee on Appropriations, with recommendation to Consent Calendar